

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER YNOSENCIO YSAIS,

Plaintiff,

vs.

Cause No. 1:08-cv-449 JB/DJS

STATE OF NEW MEXICO, JUDICIAL  
STANDARDS COMMISSION, et al.,

Defendants.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION<sup>1</sup>**

THIS MATTER was referred to the undersigned pursuant to the *Order of Reference Relating to Bankruptcy Appeals, Social Security Appeals, Prisoner Cases, Non Prisoner Pro Se Cases, and Immigration Habeas Corpus Proceedings* [Doc. 334.] The following two motions are before the Court:

1. *Motion for Emergency Permanent Injunction, Temporary Restraining Order, Injunction, Stay per Rule 60B* [Doc. 339], filed March 31, 2010 (“Motion for Injunction”); and
2. *Motion for Emergency Hearing on Motion for Emergency Permanent Injunction, Temporary Restraining Order, Injunction, Stay per Rule 60B* [Doc. 340], filed April 7, 2010 (“Motion for Hearing”).

For the reasons stated below, the Court recommends both motions be denied and Plaintiff be enjoined from making further filings in this case, other than a notice of appeal, without prior leave of court.

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<sup>1</sup>Within fourteen (14) days after a party is served with a copy of these proposed findings and recommendations, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such proposed findings and recommendations. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the findings and recommendations. If no objections are filed, no appellate review will be allowed.

### **BACKGROUND**

Plaintiff *pro se* Christopher Ysais brought this action against numerous state court judges, state agencies or entities, and their employees who were directly or tangentially involved with divorce, child custody, and criminal proceedings for alleged child abuse involving Plaintiff, his former wife, and their son in the New Mexico state courts. His claims included civil rights violations under 42 U.S.C. §§ 1982 and 1983, and conspiracy claims under 42 U.S.C. §§ 1985 and 1986.

The Honorable James O. Browning, United States District Judge, dismissed all Plaintiff's claims and entered final judgment against him on March 31, 2009. [Doc. 302.] Plaintiff appealed on April 30, 2009. [Doc. 309.] While the appeal was pending before the Tenth Circuit, he filed the instant two motions. The Tenth Circuit affirmed the dismissal of this case in all respects and its mandate was filed in this court on May 12, 2010. [Doc. 342.] Plaintiff filed a petition for writ of certiorari in the United States Supreme Court on April 27, 2010. [Doc. 343.] The Supreme Court denied the petition on October 4, 2010. [Doc. 345.]

### **DISCUSSION**

The Motion for Injunction seeks unspecified injunctive relief, but essentially complains that Plaintiff's case was improperly dismissed, that the district court did not give due regard to his *pro se* status, and that he was never allowed to conduct discovery. The Motion for Hearing “demands a hearing” on the Motion for Injunction, and predicted that the Tenth Circuit would remand the case, *i.e.*, that it would “be sent back down for discovery and inspection.” [Doc. 340 at 1.]

The dismissal of Plaintiff's lawsuit is no longer open to debate. The Tenth Circuit has affirmed and Plaintiff's final avenue of appeal has been foreclosed by the denial of his petition for writ of certiorari. The district court's rulings have therefore become the law of the case and are not


subject to re-argument or revision. *Huffman v. Saul Holdings Ltd. P'Ship*, 262 F.3d 1128, 1132 (10th Cir. 2001).

Finally, Plaintiff has a history of meritless and arguably abusive filings in this case and in others.<sup>2</sup> This case is at an end and he should therefore be enjoined from making any further filings in it, other than a notice of appeal, without prior leave of court.

**RECOMMENDATION**

The Court recommends:

1. The *Motion for Emergency Permanent Injunction, Temporary Restraining Order, Injunction, Stay per Rule 60B* [Doc. 339], filed March 31, 2010, be denied;
2. The *Motion for Emergency Hearing on Motion for Emergency Permanent Injunction, Temporary Restraining Order, Injunction, Stay per Rule 60B* [Doc. 340], filed April 7, 2010, be denied; and
3. The Clerk be directed to return without filing any further submissions from Plaintiff in this case, except for a notice of appeal, unless he receives prior Court approval for a filing.

  
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DON J. SYET  
United States Magistrate Judge

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<sup>2</sup>See *Ysais v. Richardson*, 1:07-cv-287 JB/RLP; *Ysais v. Ysais*, 1:08-cv-448 MV/DJS; *Ysais v. Children Youth and Family Services Dept.*, 1:08-cv-595 MV/DJS.